

The Nuclear Safety Convention codifies fundamental safety principles concerning the regulation, management and operation of nuclear installations and the obligation to establish and maintain a legislative and regulatory framework. An important feature of the Convention is the obligation to submit reports for review at meetings of the Parties that are to be held on a periodic basis. This approach is based on peer review principles that aim to encourage international collaboration and transparency in the achievement and maintenance of nuclear safety.

2) Progress on establishing effective regimes on liability for nuclear damage in all countries with nuclear facilities

There are two international conventions establishing international norms in the area of liability for third party damages in the event of a nuclear accident. These are: the Paris Convention, parties to which are from Western Europe, and the Vienna Convention, the parties to which include nations from various parts of the world. The conventions establish that nuclear operators (not suppliers) are strictly liable for third party nuclear damages and that others are excluded from liability. They are interlinked through the joint protocol. They also require financial security of a certain amount to cover this liability. Most European nations are members of either one or the other convention. Canada, Japan, Russia, and the United States, among other countries, are not party to either convention. Canada, Japan, and the United States have effective domestic legislation concerning nuclear liability, which channels liability to the operator. Russia proceeds in the same direction and recently adopted relevant framework national legislation.

The strict and exclusive liability channelled to the operator and mandatory operator financial security are important features of international conventions and domestic legislation in this area. While the primary objective of liability regimes is to ensure the protection of potential victims of nuclear damage, without channelling of liability to the operator, suppliers and manufacturers would not contract to the nuclear industry because of the potential risks involved. Western suppliers are reluctant to enter into significant nuclear projects and safety upgrades, absent adequate protection against legal action in the event of an accident.

Recently, many countries in Eastern and Central Europe have adhered to the Vienna Convention and have consequently adopted, or are adopting, appropriate domestic legislation to channel liability to the facility operators. Russia and some other states, including Ukraine have embarked on the development of domestic nuclear liability legislation. Some Western countries and the European Commission have secured bilateral agreements to permit the necessary government-funded safety work to proceed. Further progress on the issue of liability would allow greater cooperation in safety upgrades and overall nuclear commerce between Western contractors and operators in Eastern and Central Europe and in the Newly Independent States.